



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/611,755

06/30/2003

Michael F. Ludwig

BO1 - 0055US

5039

60483

7590

09/20/2006

LEE & HAYES, PLLC
421 W. RIVERSIDE AVE.
SUITE 500
SPOKANE, WA 99201

EXAMINER

PYO, MONICA M

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/611,755	Applicant(s) LUDWIG ET AL.	
	Examiner Monica M. Pyo	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-16, 18, 19 and 21-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-16, 18-19 and 21-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the Amendment filed 6/21/2006.
2. Claims 1-2, 4-16, 18-19 and 21-57 are currently pending in this application. Claims 1, 16, 28 and 43 are independent claims. In the Amendment filed 6/21/2006, claims 3, 17 and 20 are cancelled and claims 1, 16, 28 and 43 are amended. This action is made Final.

Claim Rejections - 35 USC § 112

3. The claim amendment received on 6/21/2006. The changes are acknowledged and therefore, the 35 U.S.C. 112, 2nd paragraph rejections made in a prior Office Action are withdrawn.

Specification

4. Claims 1 and 16 are objected to because of the following informalities:

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The use of the trademarks "Microsoft Access®" "Microsoft Word®" "Microsoft Excel®" (i.e., pg. 6) have been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-57 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,701,514 issued to Haswell et al. (hereafter Haswell).

Regarding Claims 1, 28 and 43, Haswell discloses a computer-implemented method for generating a test plan document for governing adherence with project specifications, the method comprising:

- **transferring the project specifications from a verification matrix database to a test plan database**, as a communication between ReTA Component Test Workbook Plan-Prep and a database storing components (col. 14, lns. 37-46; col. 73, lns. 19-36 and 52-62; figs. 2 and 4);
- **storing in a test plan database a plurality of verification activities for monitoring adherence with project specifications**, as preparing test plan to meet user requirements (col. 59, lns. 35-48; col. 73, lns. 52-56);
- **entering references to the project specifications into the test plan database**, as reviewing user requirements (col. 59, lns. 49-63; col. 73, lns. 20-22);

Art Unit: 2161

- **providing access to the test plan database to a plurality of users**, as test administrators or developers get involved in testing (col. 52, lns. 62-col. 53, lns. 6; col. 73, lns. 56-61);
- **updating the test plan database based on input from the plurality of users**, as an example of updating the approved changes (col. 48, lns. 60-col. 49, lns. 5; col. 73, lns. 20-29; col. 74, lns. 16-35); and
- **generating a test plan document by extracting at least one of the verification activities stored from the test plan database and listing at least one of the verification activities in the test plan document**, as a development and a creation of test scripts/test scenarios and a system validation by following the test plan (col. 14, lns. 47-49 and 54-58; col. 53, lns. 1-5; col. 59, lns. 50-64; col. 73, lns. 1-8).

Claims 28 and 43 are also rejected based upon the same reasoning as Claim 1.

Regarding Claims 2, 29 and 44, Haswell discloses the method wherein the test plan database is maintained by a database manager program (col. 49, lns. 58-67).

Claims 29 and 44 are also rejected based upon the same reasoning as Claim 2.

Regarding Claims 4, 31 and 46, Haswell discloses the method further comprising associating the verification activities with at least one of the project specifications (col. 72, lns. 1-25; col. 73, lns. 1-22).

Claims 31 and 46 are also rejected based upon the same reasoning as Claim 4.

Regarding Claims 5, 18, 32 and 47, Haswell discloses the method wherein access to at least one secured verification activity is provided to a secured user (col. 64, lns. 25-31; col. 73, lns. 20-28; col. 93, lns. 60-67; col. 94, lns. 1-9).

Claims 18, 32 and 47 are also rejected based upon the same reasoning as Claim 5.

Regarding Claims 6, 19, 33 and 48, Haswell discloses the method wherein an administrator assigns the access of the secured user to the at least one secured verification activity (col. 64; lns. 25-31; col. 177, lns. 41-51; col. 78, lns. 29-38, 64-67).

Claims 19, 33 and 48 are also rejected based upon the same reasoning as Claim 6.

Regarding Claims 7, 34 and 49, Haswell discloses the method further comprising providing a user-selectable attribute assignable to the verification activities (col. 37, lns. 43-65; col. 73, lns. 20-28).

Claims 34 and 49 are also rejected based upon the same reasoning as Claim 7.

Regarding Claims 8, 35 and 50, Haswell discloses the method further comprising providing a predetermined range of values for the user-selectable attribute (col. 38, lns. 10-59).

Claims 35 and 50 are also rejected based upon the same reasoning as Claim 8.

Regarding Claims 9, 21, 36 and 51, Haswell discloses the method wherein the verification activities are accessible by specifying a desired value of the user-selectable attribute (col. 37, lns. 43-65; col. 73, lns. 20-28).

Claims 21, 36 and 51 are also rejected based upon the same reasoning as Claim 9.

Regarding Claims 10, 22, 37 and 52, Haswell discloses all the limitation of Claim 7, *supra*. Additionally, Haswell discloses: wherein the verification activities are sortable by the user-selectable attribute (col. 43, lns. 58-col. 44, lns. 10).

Claims 22, 37 and 52 are also rejected based upon the same reasoning as Claim 10.

Regarding Claims 11, 23, 38 and 53, Haswell discloses the method wherein the user-selectable attribute is a verification activity category (col. 37, lns. 43-65).

Claims 23, 38 and 53 are also rejected based upon the same reasoning as Claim 11.

Regarding Claims 12, 24, 39 and 54, Haswell discloses the method wherein the input from the plurality of users includes one of changed text, revised text, removed text, inserted non-text media, revised non-text media, and removed non-text media (col. 16, lns. 26-49; col. 50, lns. 33-43; fig. 9).

Claims 24, 39 and 54 are also rejected based upon the same reasoning as Claim 12.

Regarding Claims 13, 25, 40 and 55, Haswell discloses the method wherein the verification activities include at least one of verification activity identifier, a responsible party, a

measurement desired, a measurement standard, a date for initiation, a date for conclusion, and a verification activity description (col. 53, lns. 7-26; col. 55, lns. 1-9).

Claims 25, 40 and 55 are also rejected based upon the same reasoning as Claim 13.

Regarding Claims 14, 26, 41 and 56, Haswell discloses the method further comprising extracting subset test plans describing less than all of the verification activities (col. 14, lns. 63-67; col. 15, lns. 1-27 – Haswell discloses the test scenarios which contain a plurality of test components).

Claims 26, 41 and 56 are also rejected based upon the same reasoning as Claim 14.

Regarding Claims 15, 27, 42 and 57, Haswell discloses the method further comprising communicating the verification activities to a test tracking database (col. 51, lns. 9-13, 24-31; col. 52, lns. 60-67; col. 53, lns. 1-6).

Claims 27, 42 and 57 are also rejected based upon the same reasoning as Claim 15.

Regarding Claim 16, Haswell discloses a computer-implemented method for generating a test plan document for governing adherence with project specifications, the method comprising:

- **coupling a verification matrix database to a test plan database**, as a connection between 2 databases via source code repository (col. 75, lns. 64-col. 76, lns. 14; figs. 41 & 42);
- **transferring the project specifications from the verification matrix database to the test plan database**, as a communication between ReTA

- Component Test Workbook Plan-Prep and a database storing components (col. 14, lns. 37-46; col. 73, lns. 19-36 and 52-62; figs. 2 and 4);
- **storing in a test plan database a plurality of verification activities for monitoring adherence with project specifications**, as preparing test plan to meet user requirements (col. 59, lns. 35-48; col. 73, lns. 52-56);
 - **entering references to the project specifications into the test plan database**, as reviewing user requirements (col. 59, lns. 49-63; col. 73, lns. 20-22);
 - **associating each of the verification activities with at least one of the project specifications**, as the test plan is created based on user requirements and make changes accordingly (col. 72, lns. 1-25; col. 73, lns. 1-22);
 - **providing access to the test plan database to a plurality of users**, as test administrators or developers get involved in testing (col. 52, lns. 62-col. 53, lns. 6; col. 73, lns. 56-61);
 - **providing a user-selectable attribute assignable to the verification activities**, as user selecting user interface objects (col. 37, lns. 43-65; col. 73, lns. 20-28);
 - **providing a predetermined range of values for the user-selectable attribute**, as a user selecting user interface objects (col. 38, lns. 10-59)
 - **receiving input from at least one of the plurality of users, the input being associated with at least one of the verification activities**, as test

- administrators or developers get involved in testing the test plan (col. 50, lns. 33-43; col. 52, lns. 62-col. 63, lns. 6);
- **updating the test plan database based on the input**, as an example of updating the approved changes (col. 48, lns. 60-col. 49, lns. 5; col. 73, lns. 20-29; col. 74, lns. 16-35); **and**
 - **generating a test plan document by extracting at least one of the verification activities stored from the test plan database and inserting at least one of the verification activities in the test plan document**, as a development and a creation of test scripts/test scenarios and a system validation by following the test plan (col. 14, lns. 47-49 and 54-58; col. 53, lns. 1-5; col. 59, lns. 50-64; col. 73, lns. 1-8).

Regarding Claims 30 and 45, Haswell discloses the computer-readable medium wherein the project specifications are entered in to the test plan database by coupling a verification matrix database to the test plan database (Haswell: col. 172, lns. 65-67; col. 173, lns. 1-17).

Claim 45 is also rejected based upon the same reasoning as Claim 30.

Response to Arguments

7. Applicant's arguments filed 6/21/2006 have been fully considered but they are not persuasive.

Applicant argues that Haswell does not teach or suggest a "generating a test plan document y extracting listing at least one of the verification activities stored from the test plan database and listing the at least one of the verification activities in the test plan document".

Art Unit: 2161

However, the Examiner disagrees. Haswell discloses in col. 53, lns. 1-5 that the “test administrators creates” the test plan. Haswell continues to disclose in col. 73, lns. 1-8 that “process to test the application and its individual components for functional and technical validation”. Thus, Haswell discloses what has been claimed and therefore reads on the applicant’s broadly recited claimed limitations.

In response to applicant’s argument that the “cited reference teaches a divergent process that is qualitatively different from what is recited in the claims”, the Examiner disagrees. Haswell teaches the system of generating a test plan document and utilizing it by different users to test the system. Therefore, Haswell teaches the argument (i.e., divergent process that is qualitatively different) on which applicant relies is not in the claims. It should be noted it is claims that define the claimed invention, and it is the claims, not the specification, that are anticipated or unpatentable.

Again, in response to applicant’s arguments regarding “test scripts” and “generating a test plan document”, the Examiner suggests reading the claim limitation as stated in the rejection regarding claims 1, 16, 28 and 43.

Applicant argues that “Office Action cites no support in the cited reference” for claim 10. However, as stated in the rejection, Haswell disclose in col. 43, lns. 58-col. 44, lns. 10, “The AFUIList view captures the values and updates the state of the list box to reflect the user choice”.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica M. Pyo whose telephone number is 571-272-8192. The examiner can normally be reached on Mon-Fri 6:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica M Pyo
Examiner
Art Unit 2161

mp
9/17/2006



Leslie Wong
Primary Examiner